



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Donaldson Company, Inc.

File: B-232098

Date: November 29, 1988

DIGEST

Protest is dismissed where it merely asks that the General Accounting Office require the agency to supply information in support of arguments which are not supported by the record.

DECISION

Donaldson Company, Inc., protests the award of any contract under request for proposals (RFP) No. DLA700-88-R-2449, issued by the Defense Logistics Agency (DLA) for filter elements. Donaldson maintains that DLA has not enforced a 150 pounds per square inch (psi) burst strength requirement under previous contracts for the filters solicited here and as a result, it is unclear whether DLA will enforce the requirement under the current RFP even though the specifications clearly call for it. Donaldson requests that we require DLA to provide Donaldson with first article test (FAT) reports and filters from a previous contract so Donaldson can determine the previous awardee's compliance with the 150 psi burst strength requirement and to issue written notice to all offerors advising them of the requirement and requiring them to certify that their products meet all the specifications in the RFP.

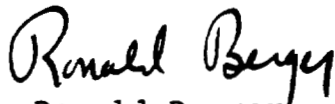
Donaldson's protest raises the same issues that it raised in a previous protest under RFP No. DLA700-88-R-0910 issued by DLA for the same item. We dismissed that protest because Donaldson failed to file comments or express continued interest in the protest within 10 working days after the agency report was filed. Bid Protest Regulations, 4 C.F.R. § 21.3(k) (1988). Upon reconsideration, we affirmed our dismissal. See Donaldson Co., Inc.--Request for Reconsideration, B-231112.2, July 15, 1988, 88-2 CPD ¶ 57.

044023/137445

Here, contrary to Donaldson's position, the agency informs us that it has not waived the 150 psi requirement under contract No. DLA700-86-D-0114 and that the contractor has submitted a satisfactory FAT report. We have reviewed the FAT report in camera and we see nothing in it to indicate that the contractor will not comply with the contract requirements. The protester nevertheless insists that our Office obtain the information necessary to support its protest.

Since there is nothing in the record which causes us to dispute the agency's position, we would have no reason under our bid protest function to ask DLA to furnish the information and filters which Donaldson requested or to issue a special notice to the other offerors of the 150 psi burst strength requirement. To the extent that Donaldson contends that DLA will not actually enforce the requirement after an award is made under the protested solicitation, Donaldson offers no evidence that DLA has such an intention; what DLA actually does after award involves a matter of contract administration which our Office does not review. 4 C.F.R. § 21.3(m)(1).

The protest is dismissed.



Ronald Berger
Associate General Counsel